

## **Minutes**

### **Santee City Council Community Development Commission Santee Public Financing Authority**

**Council Chambers  
10601 Magnolia Avenue  
Santee, California**

**July 9, 2008**

This Regular Meeting of the Santee City Council, Community Development Commission and the Santee Public Financing Authority was called to order by Mayor/Chairperson/Chair Randy Voepel at 7:01 p.m.

Council Members present were: Mayor/Chairperson/Chair Randy Voepel, Vice Mayor/Vice Chairperson/Vice Chair Hal Ryan and Council/Commission/Authority Members Jack E. Dale, Brian Jones and John W. Minto.

City Manager/Executive Director/Secretary Keith Till, City/Commission/Authority Attorney Shawn Hagerty, Deputy City Manager/Director of Development Services Gary Halbert, Finance Director/Treasurer Tim McDermott, Director of Human Resources Jodene Dunphy, Assistant to the City Manager Kathy Valverde, Santee Sheriff's Captain Patricia Duke, Director of Community Services John Coates, Fire Division Chief Richard Mattick, City Clerk/Commission Secretary Linda Troyan, and Deputy City Clerk/Deputy Commission Secretary Patsy Bell.

(Note: Hereinafter the titles Mayor, Vice Mayor, Council Member, City Manager, City Attorney, City Clerk and Deputy City Clerk shall be used to indicate Mayor/Chairperson/Chair, Vice Mayor/Vice Chairperson/Vice Chair, Council/Commission/Authority Member, City Manager/Executive Director/Secretary, City/Commission/Authority Attorney, City Clerk/Commission Secretary, Deputy City Clerk/Deputy Commission Secretary.)

**INVOCATION: Bill Grill Santee, United Methodist**

**PLEDGE OF ALLEGIANCE: Rusty Williams, Retired Marine Sergeant**

**PROCLAMATION: National Clown Week - August 1-7, 2008**

**Mayor Voepel read the Proclamation and noted it would be forwarded to the San Diego All Star Clown Club.**

**ITEMS TO BE ADDED, DELETED OR RE-ORDERED ON AGENDA:**

Council Member Dale registered a no vote for Item 1(I). Council Member Jones requested Item 1(J) be pulled for discussion. City Clerk Troyan noted staff requested Item 1(G) be removed from the agenda. Mayor Voepel requested Item 9(A) be heard concurrently with Item 5(A), and Item 9(B) be heard concurrently with Item 6(A) as the items relate to each other.

**1. CONSENT CALENDAR:**

- (A) Approval of Reading by Title Only and Waiver of Reading in Full of Ordinances on Agenda.
- (B) Approval of Meeting Minutes:
  - Santee City Council 6-25-08 Regular Meeting
  - Community Development Commission 6-25-08 Regular Meeting
  - Santee Public Financing Authority 6-25-08 Regular Meeting
- (C) Approval of Payment of Demands as Presented.
- (D) Appropriation of \$15,315 in 2006 Urban Area Security Initiative (UASI) Grant Funds to Complete Consultant Homeland Security Planning Services.
- (E) Approval of "Open Market" Purchase from Stat Pharmaceuticals in an Amount Not to Exceed \$18,000.
- (F) Adoption of a Resolution Appropriating \$13,600 and Authorizing Staff to Request Transportation Development Act (TDA) Funds for Maintenance of the Santee Trolley Square Clock Tower. (Reso 51-2008)
- (G) Adoption of a Resolution Accepting the Public Improvements for the Aubrey Glen Subdivision, TM 2005-01. Location: Mission Gorge Road and Aubrey Glen Drive. (Item was removed from the Agenda)
- (H) Authorization for the City Manager to Execute a Contract Amendment to Benchmark Landscape Company to Add \$75,660 for the Annual Maintenance of Forester Creek.
- (I) Adoption of Two Resolutions Placing a City Charter Measure on the November 4, 2008 General Municipal Election and Setting Priorities for Written Arguments and Directing the City Attorney to Prepare an Impartial Analysis, and Appropriating \$30,000 from the General Fund Unallocated Reserve Funds. (Reso 52-2008 & 53-2008; Dale voting No)
- (J) Item removed for Discussion.

- (K) Adoption of a Resolution Authorizing the Director of Development Services to Execute Updated Master Agreements with the State of California for Federal Aid Transportation Projects and for State Funded Transportation Projects. (Relates to 1L) (Reso 55-2008)
- (L) Adoption of a Resolution Authorizing the Director of Development Services to Execute Program Supplements with CalTrans and Appropriating \$53,000 in Funding to Construct Street Lighting on Prospect Avenue Under the State Route 125 Overcrossing Subject to 90% Reimbursement from Highway Safety Improvement Programs (HSIP) Grant Funds. (Relates to 1K) (Reso 56-2008)
- (M) Appropriation of Park In Lieu Funds not to Exceed \$25,104 for Installation of Air Conditioning at the City of Santee Aquatics Center.

**ACTION:** On motion of Council Member Minto, seconded by Council Member Jones, the agenda and Consent Calendar were approved as amended with all voting aye, except Council Member Dale who voted no on Item 1(I).

**Removed from Consent Calendar:**

- (J) Adoption of a Resolution and Approval of Cost Report and Account of Unpaid Administrative Citations, and Establishment of Special Assessments to be Filed with the County Auditor in the Amount of the Unpaid Citations. (Reso 54-2008)

At Council Member Jones' request, Deputy City Manager/Director of Development Services explained the process.

**ACTION:** On motion of Council Member Jones, seconded by Council Member Minto, the Resolution approving the Cost Report and Account of Unpaid Citations and the establishment of special assessments to be filed with the County Auditor in the amount of the unpaid citations was approved with all voting aye.

**2. PUBLIC HEARINGS:**

- (A) Continued Public Hearing for a Conditional Use Permit (P07-09) to Construct a New 1,286 Square Foot Sombrero Drive-Through Fast Food Restaurant Located at 8980 Carlton Hills Boulevard in the GC-General Commercial Zone (APN: 383-152-04-00). Applicant: Javier Correria, Sr. (Continued from 6/25/08)

The Public Hearing opened at 7:12 p.m.

**Entered into the Record:** Email from Mark Pishny in opposition.

Deputy City Manager/Director of Development Services introduced the item and City Planner Melanie Kush presented the staff report utilizing a PowerPoint presentation.

**Public Speakers:**

In Support

Speaking in favor were: Greg Neville, representing the applicant; Freddy Garmo; Javier Correa Sr., applicant; Javier Correa Jr. who submitted copies of correspondence and pictures; Betty Barnard; Chris Boyer; John Weiss; and Rob McNelis. Daniel Williams, representing Tri-Dimensional Engineering, was available to answer questions.

Opposed

Speaking in opposition were: Sheri Thurman, Robert Thurman, Kayla Berger, Donna O'Fallon, Sherri LaPlante, David Bryant, David Dillon, Nathan Vail who submitted a map and petition, Dean Turnbloom who submitted his statement and exhibits, Laura Miller who submitted exhibits, and Wendy Shepard. Submitting Speaker slips but not wishing to speak were: Richard Edener, Sonja Turley, David Berger, Dianna Cronister and Laurette Reyes.

Council Member Minto noted his concerns for the drive through lane specifically related to traffic and therefore does not support the conditional use permit, but does support the applicant and his business. As an aside, he requested staff inspect and monitor work currently being done in the neighborhood by another agency.

**MOTION:** Council Member Dale moved to Close the Public Hearing and deny Conditional Use Permit P07-09. The motion was seconded by Council Member Minto.

Council Member Jones requested the motion be amended to include that the application fees already incurred by the applicant, approximately \$3000, be applied to a future similar project in Santee to encourage the applicant to open his business in Santee.

At Mayor Voepel's request, City Attorney Hagerty clarified that the Council did have the ability to waive \$3,000 in fees for any future application by this applicant.

**AMENDMENT:** Council Member Dale and Council Member Minto both accepted Council Member Jones' request to amend the motion to additionally waive the approximate \$3,000 in application fees already paid by the applicant for a similar project in Santee.

**ACTION:** The amended motion to Close the Public Hearing at 8:38 p.m.; deny Conditional Use Permit P07-09; and waive application fees in the amount equal to what the applicant incurred for this project for a future similar application in Santee was approved with all voting aye.

**(B) Continued Public Hearing to Vacate a Portion of Rancho Fanita Drive (VAC2008-01) and to Approve the Final Map for Mission View Estates Subdivision (TM2006-04). Location: West Side of Rancho Fanita Drive South of Mission Gorge Road. (Continued from 6/25/08) (Reso 57-2008)**

The Public Hearing opened at 8:38 p.m. Deputy City Manager/Director of Development Services introduced the item and Principal Civil Engineer Julie Procopio presented the staff report.

Public Speaker: Speaking in Favor was Jack Robson, Developer.

**ACTION:** On motion of Council Member Minto, seconded by Council Member Jones, the Public Hearing was closed at 8:40 p.m. and the Resolution approving Street Vacation VAC2008-01 and Final Map TM2006-04 and its associated Subdivision Improvement Agreement was approved with all voting aye.

**(C) Public Hearing for the FY 2008-2009 Santee Roadway Lighting District Annual Levy of Assessments. (Reso 58-2008)**

The Public Hearing opened at 8:41 p.m.

Public Speakers: None

**ACTION:** On motion of Council Member Jones, seconded by Council Member Minto the Public Hearing was closed at 8:41 p.m. and the Resolution adopted with all voting aye.

**(D) Public Hearing for the FY 2008-2009 Town Center Landscape Maintenance District Annual Levy of Assessments. (Reso 59-2008)**

Vice Mayor Ryan announced that he would abstain from this item due to a conflict of interest.

The Public Hearing opened at 8:41 p.m.

Public Speakers: None

**ACTION:** On motion of Council Member Minto, seconded by Council Member Jones the Public Hearing was closed at 8:42 p.m. and the Resolution adopted with all voting aye except Vice Mayor Ryan who abstained.

**(E) Public Hearing for the FY 2008-2009 Santee Landscape Maintenance District Annual Levy of Assessments. (Reso 60-2008)**

The Public Hearing opened at 8:42 p.m.

Public Speakers: None

**ACTION:** On motion of Council Member Minto, seconded by Council Member Jones the Public Hearing was closed at 8:42 p.m. and the Resolution adopted with all voting aye.

**3. ORDINANCES (First Reading): None**

**4. CITY COUNCIL REPORTS:**

**(A) Possible Cancellation of a Regular City Council Summer Meeting.**

Mayor Voepel noted that Council typically cancels one meeting during the summer months to allow for summer vacations.

**ACTION:** On motion of Vice Mayor Ryan, seconded by Council Member Jones, the August 13, 2008 Regular City Council Meeting was cancelled and the City Clerk directed to post appropriate notices with all voting aye, except Council Member Minto who voted no.

The following Items were heard concurrently.

**5. CONTINUED BUSINESS:**

**(A) Resolution for Award of Town Center Community Park Phase 2, CIP 2006-33. (Relates to 9A) (Reso 61-2008)**

**9. COMMUNITY DEVELOPMENT COMMISSION:**

**(A) Appropriation of Funds to Assist in the Financing of the Public Improvements at Town Center Community Park. (Relates to 5A)**

Director of Community Services Coates introduced the item. Principal Civil Engineer Carl Schmitz presented the staff report utilizing PowerPoint. He noted that there were 13 alternative items included in the bid packet which allows staff leeway in amenity choices for the park facility due to availability of funds. Of the possible thirteen alternatives, staff recommends excluding three alternatives from the project: the entry monument to the sports complex and two smaller tot lots, one near the restaurant and one in the southeast portion of the park. Staff further noted the design is different from the last proposal. Due to budget limitations, the project was redesigned which cut \$4-\$5 million. The two major changes from the old plan to the current plan is that one softball field which would have required extensive retaining walls has been removed, saving

close to one-half a million dollars, and the two indoor soccer arenas were relocated. Additional minor site amenities were changed along with reductions to more standard-type products.

**MOTION AND AMENDMENT:** Council Member Minto moved to approve staff recommendation. Vice Mayor Ryan seconded the motion and asked to amend the motion to include adding the tot lot near the restaurant back into the project. Council Member Minto accepted the amendment.

**FAILED AMENDMENT:** Council Member Jones expressed a desire to have the dollar amount for staff authorized change orders lowered from proposed \$1,000,000 amount. Council Member Minto stated he thought the level was appropriate for this size project and did not accept the amendment to his motion.

**FAILED MOTION:** Council Member Dale requested the Change Order portion be broken out into a separate motion. Vice Mayor Ryan withdrew his second. Receiving no second, Council Member Minto's amended motion failed.

**ACTION:** Vice Mayor Ryan moved to approve staff recommendation removing authorization for staff to approve Change Orders, plus adding the restaurant tot lot back into the project. Council Member Dale seconded the motion. The motion carried with all voting aye, except Council Member Minto who voted no, to adopt the amended Resolution approving:

1. Minor irregularities in the bid submitted by Western Rim Constructors are waived, Park West Landscape's bid protest is rejected, and the construction contract for the Town Center Community Park Phase 2 Improvements, CIP 2006-33, is awarded to the lowest responsive, responsible bidder, Western Rim Constructors, for the amount of \$19,691,652.25, to include the base bid and Alternatives 1-4, and 6-12, and the City Manager is authorized to execute the contract on behalf of the City; and
2. That a change to the design contract with Psomas is approved in an amount not to exceed \$433,000; and
3. That contract(s) for testing and special inspection are authorized in an amount not to exceed \$150,000; and
4. That an Improvement Agreement to secure construction with Padre Dam MWD, Pacific Bell, SDG&E and Cox Communications and payment of fees for construction of facilities estimated at \$650,000 necessary to serve the project and the City Manager is authorized to execute these agreements on the City's behalf; and
5. That staff is authorized to purchase furniture, fixtures, and equipment; for an amount not to exceed \$400,000; and
6. That project administration costs including ongoing review and inspection by City staff and incidental costs are authorized for an amount not to exceed \$400,000; and
7. Appropriate Project Funding.

**ACTION:** On motion of Vice Mayor Ryan, seconded by Council Member Dale, staff was authorized to approve Changer Orders up to \$500,000 with all voting aye, except Council Member Minto who voted no.

The following Items were heard concurrently.

**6. NEW BUSINESS:**

- (A) Resolution Amending the Fiscal Year 2008/2009 Operating Budget.  
(relates to Item 9B) (Reso 62-2008)

**9. COMMUNITY DEVELOPMENT COMMISSION:**

- (B) Resolution Amending the Fiscal Year 2008/2009 Operating Budget.  
(relates to Item 6A) (CDC Reso 5-2008)

City Manager Till introduced the item and Finance Director McDermott present the staff report utilizing PowerPoint.

During Council discussion, Council Member Dale asked staff to report back on a graffiti clean-up plan and a status report regarding river sweeps. Vice Mayor Ryan encouraged acquiring Hybrids for any future vehicle purchases.

**ACTION:** On motion of Council Member Dale, seconded by Vice Mayor Ryan, the two Resolutions were adopted with all voting aye.

**7. COMMUNICATION FROM THE PUBLIC:**

- (A) Barry White discussed some newly painted red curbs in his neighborhood and asked to have it removed as it has made visitor/street parking difficult.

**8. CITY MANAGER REPORTS:** None

**9. COMMUNITY DEVELOPMENT COMMISSION:**

(Note: Minutes appear as Item 1B)

- (A) This item was heard concurrent with Item 5(A).

- (B) This item was heard concurrently with item 6(A).

**10. SANTEE PUBLIC FINANCING AUTHORITY:**

(Note: Minutes appear as Item 1B)

**11. CITY ATTORNEY REPORTS:** None

Council Members recessed at 10:26 p.m. and convened in Closed Session at 10:35 p.m. with all Members present.



**12. CLOSED SESSION:**

**(A) CONFERENCE WITH LABOR NEGOTIATOR**

(Gov. Code section 54957.6)

Agency Designated Representatives: City Manager

Unrepresented Employees: All Unrepresented Employees

Council Members reconvened in Open Session at 11:06 p.m. with all Members present. Mayor Voepel reported direction had been given to staff.

There being no further business, the meeting was adjourned at 11:07 p.m.

Date Approved: July 23, 2008

/s/Linda A. Troyan

Linda Troyan, City Clerk/Commission Secretary  
and for Authority Secretary Keith Till